

### **REMARKS**

The applicants have carefully considered the official action dated October 1, 2008, and the references it cites. By this Response, claims 1-9, 15, 18-19, 21, 25, 39, 31-37, 39, 42, and 49-51 have been amended. In view of the forgoing amendments and the following remarks, it is respectfully submitted that all claims are in condition for allowance and reconsideration is requested.

#### **Claim Objections**

The Office action objects to claims 1-9, 15, 20-21, 29-37, 39, 42, and 49-51 due to formalities in the claim language. By way of the forgoing amendments, each of the objected-to claims has been amended as suggested in the Office action. Accordingly, withdrawal of the rejections is respectfully requested.

#### **Rejections Under 35 U.S.C. § 112**

The Office action rejected claims 1-45 and 47-51 as being indefinite. The Office action alleges that *electronic communications* can be interpreted to include inter-computer data communications and that it is not clear how a user could label such communications as relevant or irrelevant. The claims have been amended to indicate that the electronic communications are user-generated electronic communications. Clearly, a user can identify as *relevant*, *irrelevant*, or *unsure* any type of electronic communication that was generated by that or another user regardless of the content, type, or format of the message. (see for example ¶ [0005], ¶ [0044], and ¶ [0084]). Accordingly, the claims are not indefinite and withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C. § 101**

The Office action rejected claims 1-45 and 47-51 as being directed to non-statutory subject-matter. As amended, the claims are directed to a transformation (e.g., the classification, labeling, and storage of user-generated electronic communications) of an

electronic signal representative of a physical thing (e.g., the electronic communications are representative of actual human communication). Accordingly, in accordance with MPEP § 2106, the *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, and the court's remarks in *In re Bilski*, 545 F.3d 943 (Fed. Cir. 2008), it is respectfully submitted that the recited claims are statutory.

### **Rejections Under 35 U.S.C. § 102**

Claim 1 was rejected as anticipated by Lewis (US 5,675,710). Claim 1 recites a method comprising querying a user for an irrelevancy keyword indicative of an irrelevant electronic communication, receiving a user identification of the irrelevancy keyword, and developing a classifier for classifying electronic communications based upon the irrelevancy keyword. Lewis does not teach or suggest such recitations. While Lewis describes receiving a user request that specifies words or attributes that the user believes are likely to occur in relevant documents (Col. 7, lines 42-57), Lewis does not suggest that a user is queried for or submits an irrelevancy keyword that would be used in developing a classifier. Furthermore, Lewis does not describe a capability for handling such an irrelevancy keyword. Accordingly, claim 1 and all claims depending therefrom are patentable over the cited art.

Claim 3 recites a method comprising querying a user for an irrelevancy keyword indicative of an irrelevant electronic communication, receiving a user identification of the irrelevancy keyword, and developing a classifier for classifying electronic communications based upon the irrelevancy keyword. As described in conjunction with claim 1, Lewis does not teach or suggest that a user would submit an irrelevancy keyword that would be used in developing a classifier. Accordingly, claim 3 and all claims depending therefrom are in condition for allowance.

Claim 21 recites a method comprising developing an expression of labeling criteria in an interactive session with a user, wherein the interactive session includes querying a user to identify an irrelevancy keyword indicative of an irrelevant electronic communication and receiving a user identification of the irrelevancy keyword and developing a classifier for classifying electronic communications based upon the irrelevancy keyword. As described in conjunction with claim 1, Lewis does not teach or suggest that a user would submit an irrelevancy keyword that would be used in developing a classifier. Accordingly, claim 21 and all claims depending therefrom are in condition for allowance.

Claim 33 recites a method comprising eliciting labeling criteria from a user by querying a user to identify a keyword indicative of an irrelevant electronic communication and receiving a user identification of the keyword and labeling, by the system, electronic communications from a set of electronic communications according, at least in part, to the labeling criteria elicited from the user. As described in conjunction with claim 1, Lewis does not teach or suggest that a user would submit an irrelevancy keyword that would be used in developing a classifier. Accordingly, claim 33 and all claims depending therefrom are in condition for allowance.

Claim 49 recites a computer memory containing a software program including instructions for implementing a method comprising querying a user to identify a keyword

indicative of an irrelevant electronic communication, receiving a user identification of the keyword, and developing a classifier for classifying electronic communications based upon the keyword. As described in conjunction with claim 1, Lewis does not teach or suggest that a user would submit an irrelevancy keyword that would be used in developing a classifier. Accordingly, claim 49 and all claims depending therefrom are in condition for allowance.

Claim 50 recites a computer memory containing a software program including instructions for implementing a method comprising developing an expression of labeling criteria in an interactive session with the user, wherein the interactive session includes querying a user for an irrelevancy keyword indicative of an irrelevant electronic communication and receiving a user identification of the irrelevancy keyword and deploying a classifier for use in classifying electronic communications based upon the irrelevancy keyword. As described in conjunction with claim 1, Lewis does not teach or suggest that a user would submit an irrelevancy keyword that would be used in developing a classifier. Accordingly, claim 50 and all claims depending therefrom are in condition for allowance.

Claim 51 recites a recites a computer memory containing a software program including instructions for implementing a method comprising eliciting labeling criteria from a user by querying a user for an irrelevancy keyword indicative of an irrelevant electronic communication and receiving a user identification of the irrelevancy keyword and labeling, by the computer system, electronic communications from the set of communications according, at least in part, to the labeling criteria elicited from the user. As described in conjunction with claim 1, Lewis does not teach or suggest that a user would submit an irrelevancy keyword that would be used in developing a classifier. Accordingly, claim 51 and all claims depending therefrom are in condition for allowance.

**CONCLUSION**

In view of the foregoing, the applicants respectfully request reconsideration of this application. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. The Commissioner is authorized to charge any necessary fees or credit any overpayment to Deposit Account No. 50-2455.

Respectfully submitted,

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